

# MANDATE

S.D.N.Y.-N.Y.C.  
08-cv-7508  
Scheidlin, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 8<sup>th</sup> day of September, two thousand ten,

Present:

Gerard E. Lynch,  
*Circuit Judge,*  
William K. Sessions, III,\*  
*District Judge.\*\**

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Abu Dhabi Commercial Bank, individually, on behalf of all others similarly situated, King County, Washington, together and on behalf of all others similarly situated, SEI Investment Company, together and on behalf of all others similarly situated,

*Plaintiffs-Petitioners,*

v.

10-2555-mv

Morgan Stanley & Co. Incorporated, *et al.,*

*Defendants-Respondents.*

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\* William K. Sessions, III, Chief Judge of the United States District Court for the District of Vermont, sitting by designation.

\*\* Circuit Judge Joseph M. McLaughlin, originally a member of the panel, recused himself from consideration of this matter. The remaining members of the panel, who are in agreement, have decided the case pursuant to Second Circuit Internal Operating Procedure E(b).

MANDATE ISSUED ON 09/08/2010

Petitioners, through counsel, move, pursuant to Federal Rule of Civil Procedure 23(f), for leave to appeal the district court's order denying Petitioners' motion for class certification. Upon due consideration, it is hereby ORDERED that the petition is DENIED because an immediate appeal is unwarranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139-40 (2d Cir. 2001).

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

 

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

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